



Joseph H. Mizrahi – Attorney
300 Cadman Plaza W, 12th Floor
Brooklyn, NY 11201
P: 929-575-4175 | F: 929-575-4195
E: joseph@cml.legal | W: cml.legal

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VIA ECF

Hon. Judge Lewis J. Liman
United States District Court
Southern District of New York
40 Centre Street
New York, NY 10007

Re: Cruz v. Aqua-Lung America. Inc.; Case No: 1:20-cv-05655-LJL

To the Honorable Judge Liman,

The undersigned represents Plaintiff Shael Cruz (hereinafter “Plaintiff”) in the above-referenced matter.

By way of background, this matter has been pending before the Court since July 22, 2020, and while Defendant was properly served, it has not appeared or otherwise responded to the Complaint.

This Letter is submitted in response to the Court’s January 13, 2021 Order directing Plaintiff to move for a Default Judgment by January 27, 2021. Plaintiff first and foremost apologizes for not timely requesting an extension to file the Motion for Default Judgment. The undersigned apologizes and assures the Court that it will be more timely moving forward.

In light of the above, Counsel for Plaintiff respectfully requests an additional 30 days in which to attempt to contact Defendant or otherwise move for Default Judgment.


Thank you for the consideration of Plaintiff’s request.

Respectfully submitted,

/s/ Joseph H. Mizrahi
Joseph H. Mizrahi, Esq.

Notwithstanding Plaintiff’s failure to comply with this Court’s prior order, the request for an extension is granted. Plaintiff is advised that failure to timely file the default motion in thirty (30) days will result in a dismissal for failure to prosecute.

SO ORDERED. 3/5/2021.


LEWIS J. LIMAN
United States District Judge